

TTAB

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K Street, N.W.  
Suite 800  
Washington, D.C. 20005

Telephone 202-783-6040  
Facsimile 202-783-6031  
www.rfem.com

February 3, 2006

G. Franklin Rothwell  
E. Anthony Figg  
Barbara G. Ernst  
Harry F. Manbeck, Jr.  
George R. Repper  
Steven Lieberman  
Joseph A. Hynds  
Elizabeth A. Leff  
Richard Wydeven  
Martin M. Zoltick  
Minaksi Bhatt  
Sharon L. Davis  
Robert B. Murray  
Carla C. Calcagno  
Jeffrey L. Ihnen  
Glenn E. Karta  
Martha Cassidy, Ph.D.  
Brian S. Rosenbloom

Anne M. Sterba  
Lisa N. Phillips  
Leigh Z. Callander  
C. Nichole Gifford  
Patrick T. Skacel  
Monica C. Kitts  
Brian A. Tollefson  
Joo Mee Kim\*  
Steven M. Giovannetti  
Hyunkweon Ryu  
R. Elizabeth Brenner  
Adam M. Treiber  
Daniel L. Shores  
Joseph E. Green

Of Counsel  
John A. McCahill  
Barbara Webb Walker, Ph.D.

\*Not Admitted in D.C.

Our File: 2778-157

Trademark Trial and Appeal Board  
United States Patent & Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

*Re: American Italian Pasta Company v. Barilla .G.E.R. Fratelli-Societa Per Azioni  
Opposition No. 91161373*

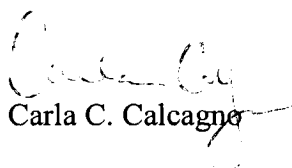
Dear Sir:

We enclose for filing with the Trademark Trial and Appeal Board Applicant's Request for Reconsideration and/or Correction of January 4, 2006 Board order with Exhibit A.

No fee is believed necessary. The Commissioner for Trademarks is hereby authorized to draw on the deposit account of Rothwell, Figg, Ernst & Manbeck, Account No. 02-2135, if a fee is deemed necessary.

Please call if there are any questions.

Very truly yours,

  
Carla C. Calcagno

CCC/jea  
Enclosure



02-03-2006

U.S. Patent & TM Office/TM Mail Rcpt Dt. #26

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

American Italian Pasta Company,

Opposer,

v.

Barilla G. E R. Fratelli Società Per Azioni  
(By change of name),

Applicant.

Opposition No. 91161373

**REQUEST FOR RECONSIDERATION AND/OR CORRECTION  
OF JANUARY 4, 2006 BOARD ORDER**

Applicant respectfully requests that the Board reconsider and/or correct the January 4, 2006 Order.

In that order, the Board correctly granted Applicant's consented Motion to Extend. Applicant respectfully submits, however, that the Board incorrectly extended the discovery period to March 1, 2006. Specifically, Applicant respectfully submits that on December 30, 2005 the parties had consented solely to an extension of their testimony periods. As the motion stated:

The close of Plaintiff's trial period is currently set to close on 01/30/2006, Barilla Alimentare S.p.A. requests that such date be extended for 30 days, or until 03/01/2006, and that all subsequent dates be reset accordingly.

**Exhibit A.**


Except to the extent that the Board is ruling on Applicant's motion filed on November 1, 2005 for a two-day extension of the discovery period, which motion is still pending, the discovery period was unaffected by Applicant's December 30, 2005 motion.

Accordingly, to the extent that this case is not dismissed as a result of Applicant's motion for summary judgment filed January 30, 2006, Applicant respectfully requests that the Board:

- (1) rule on Applicant's contested November 1, 2005 motion for a two-day extension of the discovery period;
- (2) correct the TTAB's records to reflect that the parties December 30, 2005 motion extended the parties' testimony periods and not the discovery period; and
- (3) rule on Applicant's motion for a limited reopening of discovery filed concurrently with Applicant's motion for summary judgment.

Respectfully submitted,

Barilla G. E R. Fratelli -  
Società Per Azioni

By   
Carla C. Calcagno  
Attorneys for Applicant  
ROTHWELL, FIGG, ERNST & MANBECK  
1425 K Street, N.W., Suite 800  
Washington, D.C. 20005  
Telephone: (202) 783-6040

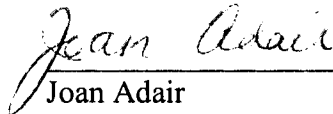
Dated: February 3, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REQUEST FOR RECONSIDERATION AND/OR CORRECTION OF JANUARY 4, 2006 BOARD ORDER was served via first-class mail, in a postage prepaid envelope, on counsel for Opposer as follows:

Thomas H. Van Hoozer, Esq.  
Law Offices of Hovey Williams LLP  
2405 Grand Boulevard  
Suite 400  
Kansas City, Mo. 64108-2519

This 3rd day of February, 2006.

  
\_\_\_\_\_  
Joan Adair

OPPOSITION NO. 91161373  
REQUEST FOR RECONSIDERATION AND/OR  
CORRECTION OF JANUARY 4, 2006 BOARD ORDER  
Exhibit A

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA59871**

Filing date: **12/30/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91161373
Applicant	Defendant Barilla Alimentare S.p.A. Barilla Alimentare S.p.A. Via Mantova 166 ITX Parma PR, OH 43100
Other Party	Plaintiff American Italian Pasta Company

**Motion for an Extension of Discovery or Trial Periods With Consent**

The Close of Plaintiff's Trial Period is currently set to close on 01/30/2006. Barilla Alimentare S.p.A. requests that such date be extended for 30 days, or until 03/01/2006, and that all subsequent dates be reset accordingly. The grounds for this request are as follows:

- *The parties require the additional time to complete the resolution of discovery and other issues before testimony periods open.*

Barilla Alimentare S.p.A. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Barilla Alimentare S.p.A. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/Carla C. Calcagno/  
Carla C. Calcagno  
PTO-TM-Email@rothwellfigg.com  
clb@hoveywilliams.com  
12/30/2005